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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,784	09/01/2000	Franciscus Cornelis Caris	US 000220	5607

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,784

Applicant(s)

CARIS ET AL.

Examiner

Prieto Beatriz

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-12 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-12 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) *
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Request for Continued Examination (RCE)/Amendment filed 09/02/04, amending claims 1-4, 7-12, 14-18 and new claims 19-24. Claims 1-4, 7-12, 14-24 have been examined.

2. Claim 19, dependent on claim 1, recites the clause “the menu”, there is not antecedent basis for this recitation, and correction is required.

Claim Rejection under 35 USC 103

3. Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous office action.

4. Claims 1-4, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,104,334) in view of Goldstein (US 5,410,326).

Regarding claim 1, Allport teaches a method including are remote control device, electronics equipment and a user operating the remote control device, the method including:

an appliance establishing a connection with a server on the Internet in response to a user actuating a remote control (Allport: col 8/lines 30-57, col 9/lines 63-65 and col 4/lines 62-65); although Allport does not explicitly teach storing consumer information for each consumer including the consumer’s remote control device and associated consumer devices controlled therewith;

Goldstein teaches a method for remote programming a remote control device, including a server (head end) having each consumer information each have information (“user profiles”) about the services for which he/she has subscribed, including information about the consumer equipment associated identified remote control device and the codes for programming the remote control device associated with or to operate consumer’s remote control devices “electronic equipment” (Goldstein: col 3/lines 29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22);

identifying at the server selected information associated with each consumer including the identifying the remote control devices with which the set-top converter “appliance” is authorized to

operate and supplying all the required IR codes to operate consumer's electronic equipment (Goldstein: col 17/lines 62-67, col 18/lines 14-22);

downloading the consumers IR codes using the set-top converter "appliance", i.e. via from the head end to the remote controller via the set-top converter (Goldstein: col 18/lines 14-22);

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the teachings of Allport for configuring a programmable remote control for controlling various appliance and his suggestion for obtaining the code for programming the remote control from Internet service providers (ISPs), that access mechanisms such as subscriptions service would be inherent and obvious, thereby readily apparent to one ordinary skilled. Goldstein teaches that the programming services provided by the head end cable facility is to support each consumer needs for different IR codes according to the devices the remote control device is to operated, thereby maintaining individualized information for each consumer for the services subscribed to (i.e. "customer base", subscription file or consumer profile). Motivation to combine the teachings of Goldstein and Allport would be enable the user to added or update his/her initial subscription including the appliance the user wishes to obtain programming code from the pool of the compiled database of available codes for operating appliance manufactured by various manufactures enabling the user to select latest advances in technology offered by retailers.

Regarding claim 2, a menu for the consumer based on his/her subscription, i.e. subscriber's services for programming the consumer's remote control device (Goldstein: col 10/lines 3-10, col 16/lines 28-32, col 18/lines 14-22).

Regarding claim 3, transmitting a wireless signal from the set-top converter "appliance" to the remote control device for programming (Goldstein: col 18/lines 14-22).

Regarding claim 4, enabling the consumer to notify a server through the appliance of the consumer's electronics equipment for which to download control code (Allport: col 15/lines 5-26, and col 5/lines 5-67).

Claims 5-6 (canceled).

Regarding claim 20, a single user action associated with the menu on the programmable device allows the execution of multiple activities on a particular consumer equipment (Goldstein: col 14/lines 3-28).

Regarding claim 21, a display for graphically representing on the remote control for programming it (Goldstein: col 14/lines 3-28).

Regarding claim 22, programming the remote control device according to the menu system (Goldstein col 14/lines 3-28) using an appliance to download programming data to the remote control device (Goldstein: col 12/lines 23-33).

5. Claims 7-12, 14-19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport (US 6,104,334) in view of Goldstein (US 5,410,326) further exemplified by LaRocca et. al. (US 6,314,572)

Regarding claim 7, a remote control device for controlling an appliance "Internet connectable" (Allport col 8/lines 30-57 and col 10/lines 27-67, Goldstein: remote controller for controlling cable television receivers or converters, prior art see col 1/lines 12-30, teaching see col 3/lines 17-21);

remote controller has a button for causing the appliance to connect to a host over the Internet (Allport: col 9/lines 63-65, col 8/lines 30-57);

the remote control device is configured to send information indicating consumer electronic equipment to the server (Goldstein: col 4/lines 6-10 and col 9/lines 39-45);

the server maintaining stored information e.g. a contract or subscription for a plurality of consumers "user profiles" to which services are provided (Goldstein: col 17/lines 62-col 18/line 3);

the appliance programs the remote control device with code download from the cable head end (server) for the remote control device through the appliance (Goldstein: col 18/lines 14-22) according to a user's subscription associated with the remote control device (Goldstein: col 17/lines 62-67); although Goldstein teaches maintaining subscription information for each subscriber of a plurality of subscribers sent to the head end system (i.e. server) information that identifies consumer electronics equipment, for providing to each subscriber services in accordance to each individual subscription, it does not explicitly describe where this information is stored in a storage medium

LaRocca teaches storing a subscriber/consumer profile and billing information in a database (154) of a customer management system (150), database 154 containing specific customer subscription

information pertaining to a customer's type of services (col 5/lines 27-41 and base subscription col 9/lines 52-65).

It would have been obvious to one ordinary skilled in the art at the time the invention was made, that the consumer's subscription in the Allport-Goldstein reference(s) including information that identifies the consumer electronics equipments for which the head end is to download IR codes via the cable converter to control different appliances for each consumer according to their respective subscription, is a stored file or record pertaining to each consumer. Subscription information it identifies the services the consumer has paid for and the services the head end will provide, it would have been obvious and readily apparent to one ordinary skilled in the art that each consumer subscription file or record is stored, means to store subscriber's files are further exemplified by the LaRocca reference as being stored in a storage medium, e.g. a database.

Regarding claim 8, the applicant allows a consumer "user" to "customize" the programming of the remote control device (Goldstein: col 10/lines 3-10).

Regarding claim 9, the appliance transmits programming code via wireless signal to the remote control device (Allport: col 5/lines 66-col 6/line 13, col 4/lines 36-39).

Regarding claim 10, appliance is a set-top box (Allport: col 8/lines 58-67).

Regarding claim 11, stored information (storage medium "customer base") on each consumer "user profiles" that identifies at the server information associated with the consumer including the identifying the remote control devices with which the set-top converter "appliance" is authorized to operate and supplying all the required IR codes to operate consumer's electronic equipment (LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65 and Goldstein: col 17/lines 62-67).

Regarding claim 12, supplying consumer's remote control device programmed code for use with the set-top converter (Goldstein: col 17/lines 62-67 and Allport col 1/lines 38-45 and col 3/lines 52-60).

Claim 13 (canceled)

Regarding claim 14, receiving at the server information about the consumer's electronic equipment (Goldstein: col 4/lines 6-10 and col 9/lines 39-45);

using information obtained about the consumer's electronic equipment for programming the remote control device (Goldstein col 17/lines 62-67), the programmed remote control device for controlling a plurality of consumer's electronic equipment (Goldstein: col 12/lines 23-33);

each consumer information containing information about the consumer electronics equipment of the user (Goldstein: col 17/lines 62-67).

Regarding claim 15, a method including

providing at a server connected to a data network, an subscription "user profile" comprising information about the user's consumer electronic equipment (Goldstein: col 4/lines 6-10 and col 9/lines 39-45, LaRocca: col 5/lines 27-41 and col 9/lines 52-65);

programming a remote control device for controlling the user's consumer electronic equipment by using the information about the user's consumer electronic equipment, e.g. their respective IR codes (Goldstein: col 3/lines 58-67);

the server storing information about the user's consumer electronic equipment in a storage means "customer base" (Goldstein: subscription representing the services, see col 3/lines 29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22 and LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65).

Regarding claim 16, the limitations of this claim are substantially the same as the limitation of claim 1, 7, and 15, same rationale of rejection is applicable.

Regarding claim 17, comprises features discussed on claims 1 and 7, same rationale of rejection are applicable, and further limitations include

a look-up table that is programmed with data downloaded from a server on the Internet (Allport: a data structure or memory structure ("lookup table") that is programmable or loadable with programs downloaded from a server on the Internet, see col 8/lines 30-57, remote control with storage capabilities, see col 7/lines 56-60, data downloaded for programming remote control, see col 5/lines 50-67);

identifying at the server selected information associated with the consumer including the identifying the remote control devices with which the set-top converter "appliance" is authorized to operate and supplying all the required IR codes to operate consumer's electronic equipment (Goldstein: col 17/lines 62-67);

the look-up table maps a first control code, received from a remote control device, onto a second

control code for control of an apparatus via the appliance (Allport: downloadable programs are specific to each the appliance from the plurality of appliances the remote control is to control, therefore the programs (i.e. “control codes”) each correlated (“are mapped”) to a specific apparatus to be controlled, see col 8/lines 50-66, wherein received at the remote control device via an appliance having a third part software, e.g. PC or web browser, col 9/lines 58-65, col 8/lines 30-40 or e.g. to control a TV apparatus via a web browser appliance).

Regarding claim 18, comprising limitation discussed on claims 1 and 7, the combined teachings mentioned above further teach the invention as claimed,

sending to a server information respective to a user from a plurality of user associated with respective user’s remote control device via an appliance (Goldstein: col 4/lines 6-10 and col 9/lines 39-45 and Allport: col 15/lines 5-26, and col 5/lines 5-67);

gathering respective user information in a storage medium (Goldstein: subscription representing the services, see col 3/lines 29-67, col 16/lines 28-32, col 17/lines 62-67 and col 18/lines 14-22 and LaRocca: database (154) col 5/lines 27-41 and base subscription col 9/lines 52-65).

Regarding claim 19, an user selects through a screen selection “menu” of services “operations” desired provided by the downloaded data (Goldstein: col 18/lines 14-22, col 12/lines 44-53, link menu see col 9/lines 1-49).

Regarding claim 23, programming the remote control device according to the menu system (Goldstein col 14/lines 3-28) using an appliance to download programming data to the remote control device (Goldstein: col 12/lines 23-33).

Regarding claim 24, user interface data provides information of the features that support consumer interaction with the remote control device (Goldstein: col 9/lines 1-49).

Response to Arguments

6. Regarding claims 1-14, 16 and 17, it is argued that the prior art of record does not teach claim limitation as amended, specifically, profiles having stored information pertaining or corresponding to the user, comprising the consumer electronics equipment with respective remote control device.

In response to the above-mentioned argument, it is noted that the Goldstein reference teaches that the consumer downloads programming codes for the remote control device as service to its subscribers from the cable system head end (col 3/lines 29-44), the services provided to the consumer are those for which the consumer has subscribed through a contract for services received (col 3/lines 45-51), each consumer will have a variety of different appliances each of which require different programming codes for the device used to control these appliances, the subscriber can receive different codes from the head end facility as part of that facility's device programming service (col 3/lines 58-67), the programming service when provided by the head end cable facility will initiate a data transfer of the infrared codes to users who have subscribed to this service via the cable converter (col 16/lines 28-32), the cable converter initialized in the field from the head end cable facility includes identifying the remote control devices with which it is authorized to operate, as well as supplying all the required IR codes to operate the consumer's remote control devices (col 17/lines 62-67), the IR code representing the service that have been paid for, are downloaded to the remote control device after been received from the cable head end facility (col 18/lines 14-22).

Thereby, each subscription ("user profile") comprises the services (e.g. facility's device programming service) that the subscriber paid for, the subscription includes information about the remote control devices, the consumer appliances and the programming IR codes for programming the remote control device(s) to be downloaded. Argument that the prior art does not teach respective to each user storing information corresponding to a consumer electronic equipment of each consumer associated with a respective remote control device is not persuasive.

7. Regarding claims 1-14, 16 and 17, it is argued that the prior art of record does not teach claim limitation as amended, specifically, (claim 7) send an user profile information identifying consumer electronics equipment associated with respective remote control device.

In response to the above-mentioned argument, Goldstein teaches upon initialization the head end obtains information identifying consumer electronics equipment associated with respective remote control device, there by downloading the corresponding IR codes by which the remote control device controls the identified consumer electronics, specifically, teaches where the cable converter initialized in the field

from the head end cable facility includes identifying the remote control devices with which it is authorized to operate, as well as supplying all the required IR codes to operate the consumer's remote control devices (col 17/lines 62-67), the IR code representing the service that have been paid for, are downloaded to the remote control device after been received from the cable head end facility (col 18/lines 14-22).

8. Regarding claim 4, it is argued the prior art Allport fails to notify a server through an Internet-connectable appliance of one item of consumer electronics equipment for which to download data representative of one control code, because the source only refers to sources of picture entertainment, which is not relevant to the claimed features.

In response to the above-mentioned argument, it is noted that the broadest reasonable interpretation in light to the specification is given to the claim language (see MPEP 2111). In this case, claim 4, reads that the user notifies the server of his/her consumer electronic equipment for downloading the code for it, the term server given the breadth of the language does not exclude the sources described in the reference.

9. Regarding claims 7-9, it is argued that the references fail to teach maintaining a storage medium "customer base" comprising a plurality of user files that identify consumer electronics equipment.

In response to applicant's argument, the Goldstein reference teaches a plurality of subscriptions or contracts, specifically, the services provided to the consumer are those for which the consumer has subscribed through a contract for services received (col 3/lines 45-51), the consumer downloads programming codes for the remote control device as service to its subscribers from the cable system head end (col 3/lines 29-44), the cable converter initialized in the field from the head end cable facility includes identifying the remote control devices with which it is authorized to operate, as well as supplying all the required IR codes to operate the consumer's remote control devices (col 17/lines 62-67).

Thereby, Goldstein and as further exemplified by LaRocca et. al. teach subscriptions (stored files in a storage medium, e.g. subscription base) called by applicant "customer base" comprising information identifying the consumer electronics equipment for which IR codes are to be downloaded via the cable converter to the remote control device to control said consumer electronic equipments.

10. Applicant's arguments filed 09/02/04 have been fully considered but not found persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (703) 305-0750. The Examiner can normally be reached on Monday-Friday from 6:00 to 3:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Jack B. Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
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or faxed to the Central Fax Office:

(703) 872-9306, for Official communications and entry;

Or Telephone:

(703) 306-5631 for TC 2100 Customer Service Office.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Fourth Floor (Receptionist), further ensuring that a receipt is provided stamped "TC 2100".



B. Prieto
TC 2100
Patent Examiner
November 1, 2004